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EXAMINER

MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,741

Applicant(s)

TOPPING, CATHERINE

Examiner

DANIEL G. MARIAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/558828.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Price-Francis (5,815,252).

With regard to claim 11, Price-Francis discloses an identification method comprising entering first, i.e., extracted biometric data of a user, and second, i.e., additional biometric data representing a different physical characteristic, pieces of biometric information comparing data representative of the first piece of biometric information with stored data held in a first data store, i.e., optical card, comparing data representative of the second piece of biometric information with stored data held in a second data store, i.e., PU 37, and operating a device using the results of the two comparisons, i.e., non-independent comparisons. What this means is that the individual recognition system instructs the controller to obtain the additional biometric data depending upon the results of the initial comparison. For example, if the initial comparison does not find a match/same fingerprint when comparing the stored biometric data against biometric data of the user obtained via scanning, Price-Francis obtains the additional biometric data and repeats the comparison until a match is found (See Fig. 2; col.2, lines 35-44; col. 7, lines 5-12; and col.8, lines 19-39. Applicant's attention is also invited at col. 5, lines 1-17).

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With regard to claim 12, a method according to claim 11, wherein one of the first and second data stores comprises a portable data store (See for example, col. 8, lines 40-41).

With regard to claim 14, a method according to claim 11, wherein the first and second pieces of biometric information form parts of a single biometric characteristic (given the broadest reasonable interpretation, this feature reads on biometric characteristic obtained from the same person or individual) (See for example, col. 7, lines 5-14).

With regard to claim 15, a method according to claim 14, wherein the single biometric characteristic comprises one of a fingerprint pattern and an iris pattern (See for example, col. 7, lines 5-5-8).

With regard to claim 16, a method according to claim 11, wherein the first and second pieces of biometric information are entered sequentially (See for example, col. 7, lines 29-26; and col. 2, lines 35-42).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin, et al (6,393,139).

With regard to claim 1, Lin, et al discloses a secure control system for use in controlling the operation of a device having a plurality of functions, i.e., granting or denying access rights to various applications: file, program or machine, to various users (See for example, col. 1, lines 6-8; and col. 2, lines 47-58; and col. 4, lines 61-65), comprising inputting fingerprint pattern data relating to a fingerprint pattern of an individual using a fingerprint pattern reader, i.e., fingerprint capturing device, comparing the fingerprint pattern data with stored fingerprint pattern data to identify the individual whose fingerprint pattern data has been input and to identify to which of the individual's fingers the fingerprint pattern data relates, and controlling the operation of the device in response to the data representative of the identity both of the individual and of the finger (Lin, et al grant access by identifying the identity of the user via fingerprints and the fingerprint sequence, which indeed identifies the user's specific finger) to perform a selected one of the plurality of functions (See for example, col. 3, line 37 through col. 4, line 11; and particularly col. 4, line 57 through col. 5, line 14) .

With regard to claim 2, a system as claimed in claim 1, wherein the device comprises a computer system and the data representative of the identity of the individual and of the finger are used in controlling access rights (See Figs. 1-3 and 5).

With regard to claim 7, a secure data entry system comprising assigning a data character, i.e., L1-L5 and R1-R5, to each of a plurality of an individual's fingers (See Fig. 1), inputting fingerprint pattern data relating to a fingerprint pattern of an individual using a fingerprint pattern reader, i.e., fingerprint capturing device, and comparing the fingerprint pattern data with stored fingerprint data to identify the individual whose fingerprint data has been input and to identify to which of the individual's fingers the fingerprint pattern data relates to determine

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which data character has been input (See for example, col. 3, line 37 through col. 4, line 30; and particularly col. 4, line 57 through col. 5, line 14).

With regard to claim 8, a system as claimed in claim 7, wherein each data character comprises a numeric digit, and using the system to input a number (See Fig. 1).

With regard to claim 9, a system as claimed in claim 8, wherein the step of comparing is repeated at least once using fresh fingerprint data to permit a multi-digit number or numeric sequence to be input (See the loop shown in Fig. 5 which is carried out based on the judgment made at item 660, in Fig. 5).

With regard to claim 10, an input device comprising an array of fingerprint sensor regions, the input device outputting signals dependent upon which of a user's finger is used and which sensor region is used at a given time (See col. 3, line 37 through col. 4, line 39. The secured device of Lin, et al does inherently require an array of finger print sensor regions to output signals/control signals based on the finger/s used and the sensor region used).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3-6, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, et al. (6,393,139).

With regard to claim 3, Lin, et al discloses all of the claimed subject matter as already discussed above in paragraph 4, and the arguments are not repeated herein, but are incorporated by reference. Although Lin, et al does not the specific term “switch mechanism”, It would have been obvious if not inherent that Lin, et al does use the identity of the user/s and the finger to switch from one application program, file or machine to the other based on so that users will be authorized to access or deny the access to one or allow another based on the access requirement shown in Fig. 3, for example.

With regard to claim 4, a system as claimed in claim 1, wherein the device includes a plurality of sensor regions, each sensor region having a plurality of functions associated therewith, i.e., right thumb sensing and left thumb sensing, the function performed by the device depending upon the finger used to operate the device and which sensor region is used to input the fingerprint (See for example, col. 4, lines 19-30).

With regard to claim 5, a system as claimed in claim 1, further comprising subsequently inputting second fingerprint pattern data relating to a second fingerprint pattern i.e., fingerprint entering sequence. Please note, any one of the sequences would read on this feature other than the first number in the sequence, of the individual, i.e., user 1, user 2 . . . user n, comparing the second fingerprint pattern data with stored fingerprint pattern data to identify the individual whose second fingerprint pattern data has been input and to identify to which of the individual's fingers the second fingerprint pattern data relates, and controlling the operation of the device in

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response to the data representative of the identity both of the individual and of the finger to switch to a condition in which a second selected one of the plurality of functions can be performed (See Figs 3 and 5 and their associated text).

With regard to claim 6, a system as claimed in claim 5, wherein the selected one of the plurality of functions and the second selected one of the plurality of functions grant different access rights to the user (which reads on col. 4, line 31-53; and Fig. 3).

With regard to claim 11, an identification method comprising entering first and second pieces of biometric information, i.e., a combination of different biometric information, such as iris and/or facial and/or fingerprint, biometric comparing data representative of the first piece of biometric information with stored data held in a first data store, comparing data representative of the second piece of biometric information with stored data held in a second data store, and operating a device using the results of the two comparisons, i.e., accessing application based on the comparisons (See col. 5, lines 28-38). Although Lin, et al does not expressly call for a first and second data store. Instead, Lin, et al uses a single storage, i.e., secure device, to store the combination of different biometric information. It would have been an obvious matter of design choice to modify the teaching of Lin, et al by having a first and second data store to store the various biometric information, since applicant has not disclosed that having a first and second data store solves any stated problem or is for any particular purpose and it appears that the single storage of Lin, et al would perform equally well at any number of data store.

With regard to claim 13, a method according to claim 11, wherein the first and second pieces of biometric information are entered simultaneously (which reads on col. 5, lines 28-38).

With regard to claim 14, a method according to claim 11, wherein the first and second pieces of biometric information form parts of a single biometric characteristic (given the broadest reasonable interpretation, this feature reads on biometric characteristic obtained from the same person or individual) (See for example, Fig. 1).

With regard to claim 15, a method according to claim 14, wherein the single biometric characteristic comprises one of a fingerprint pattern and an iris pattern (See for example, col. 5, lines 28-31).

With regard to claim 16, a method according to claim 11, wherein the first and second pieces of biometric information are entered sequentially (See for example, Fig. 1).

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Number 6728881 and 6400836; and a publication to: Plunkett, et al "Fingerprint Verification for Smartcards".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DANIEL G MARIAM
Primary Examiner
Art Unit 2624

March 23, 2007